

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 15: Eligibility</b>	<b>Effective Date:</b> January 1, 2020
	<b>Section 2: Removal from a Specified Relative</b>	<b>Version:</b> 3

## STATEMENTS OF PURPOSE

The Department of Child Services (DCS) will review the removal circumstances when determining the child's Title IV-E Foster Care (Title IV-E) funding eligibility. In order to meet Title IV-E eligibility requirements, specific to removals:

1. The child must be removed from a [specified relative](#) pursuant to a court order authorizing the [physical removal](#) or [constructive removal](#);
2. The court order authorizing the child's removal must coincide with (i.e., occur at the same time as or shortly thereafter) the child's removal from home. If a child is removed from a parent, guardian, or custodian by a court order, and the child continues to live with that same individual, it is not considered a removal for Title IV-E eligibility purposes;

**Exception:** A child placed with his or her parent, while the parent is residing in a licensed residential family-based treatment facility for substance use disorder, may be eligible for Title IV-E, even though he or she is living with a parent.

3. The child must have lived with the [specified relative](#) he or she was removed from at the time of or within six (6) months prior to removal.

The removal home is the home of the [specified relative](#) (i.e., the person from whom the child is considered legally removed).

The date of removal is the date of the child's placement in out-of-home care. Initial eligibility is determined based on the month of the child's first placement in out-of-home care for the removal episode.

### Children of DCS Wards

A Title IV-E eligibility determination is not needed for the child of a parent who is a ward of DCS unless the child has been legally removed. If the child of a ward is placed in out-of-home care and has been legally removed, a Title IV-E eligibility determination must be completed for the child.

**Note:** A child removed from home who continues to reside with a parent who is a minor may be eligible for Title IV-E, if all other Title IV-E eligibility criteria are met.

### Code References

1. [42 USC 672: a Foster care maintenance program](#)
2. [45 CFR 1356.21 \(j\), \(k\) and \(l\): Foster care maintenance payments program implementation requirements](#)
3. [IC 31-34-5-2: Findings](#)
4. [IC 31-34-5-3: Release; findings required for detention order; approval of services, programs, and placement; court order; appeal; payment of costs](#)

5. [465 IAC 2-7-5: Title IV-E; foster care eligibility](#)

## PROCEDURE

The DCS Central Eligibility Unit (CEU) will:

1. Review the eligibility information in the case management system; and
2. Make a determination regarding whether the requirements of removal from a [specified relative](#) are met.

## PRACTICE GUIDANCE

N/A

## FORMS AND TOOLS

1. [Preliminary Inquiry](#)
2. [Title IV-E and Title IV-A/EA Information \(SF 55435\)](#)

## RELATED INFORMATION

### **Definition of Specified Relative**

Specified relatives include the following:

1. Mother (biological, adoptive, or step);
2. Father (biological, adoptive, or step);
3. Grandmother (including great, great-great, great-great-great);
4. Grandfather (including great, great-great, great-great-great);
5. Sister (including step and in-law);
6. Brother (including step and in-law);
7. Aunt (including great, great-great, and in-law);
8. Uncle (including great, great-great, and in-law);
9. Niece (including great and great-great);
10. Nephew (including great and great-great);
11. First cousin; and
12. First cousin once removed (great aunt or uncle's child or the focus child's cousin's child).

**Note:** If parental rights of either the biological or adoptive parent have been terminated, this person cannot be considered the child's specified relative as a parent. Non-related legal guardians do not meet the definition of a specified relative.

### **Supporting Documentation of a Removal**

Acceptable supporting documentation of removal from a specified relative includes, but is not limited to, copies of the following:

1. Signed court order authorizing removal;
2. Petition for removal;
3. [Preliminary Inquiry](#); and
4. [Title IV-E and Title IV-A/EA Information \(SF 55435\)](#).

### **Physical Removal and Constructive Removal**

There are two (2) types of removals: physical and constructive. Physical removal occurs when DCS physically removes a child from the person identified in the court order authorizing removal.

A constructive removal occurs when:

1. A child is currently living with a caregiver (who is not the [specified relative](#));
2. The court removes the child from the specified relative; and
3. DCS allows the child to remain with the caregiver as a placement.